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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/657,068	09/07/2000	Kenneth M. Buckland	062891.0362	1585
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BAKER BOTTS L.L.P. 2001 ROSS AVENUE SUITE 600 DALLAS, TX 75201-2980			EXAMINER WILSON, ROBERT W	
			ART UNIT 2475	PAPER NUMBER
			NOTIFICATION DATE 02/07/2012	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ptomail1@bakerbotts.com  
ptomail2@bakerbotts.com

**Office Action Summary****Application No.**

09/657,068

**Applicant(s)**

BUCKLAND, KENNETH M.

**Examiner**

ROBERT WILSON

**Art Unit**

2475

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 17 January 2012.
- 2a) ☒ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,3-7,9-15,20-26,28-33,35-38 and 40 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 20-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Appication Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 September 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 20-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Keller-Tuberg (U.S. Patent No.: 6,504,844) in view of O'Dell (U.S. Patent No.: 6,891,825)

Referring to claim 20, Keller-Tuberg teaches: a method for routing traffic in an access network (The system per Fig 1 performs the method)

Receiving ingress internet Protocol (IP) packets from customer premise equipment, each IP packet having an address (The ATM card receives packets which are ingress packets being sent to the Internet from the subscriber computer or CPE wherein each packet has a Source Address and Destination address per col. 5 lines 46-48 per Fig 1 and per col. 4 line 52-col. 6 line 22.

Receiving egress IP packets from a backbone network for delivery of the CPE (An inherent router at each ISP receives egress IP packets from the Internet or backbone network for delivery to the subscriber computers or CPE per Fig 1 and per col. 6 lines 24-53)

Segmenting the ingress IP packets at a CPE interface of an access network into ingress asynchronous transport mode (ATM) adaption layer (AAL) cells wherein the ingress AAL cells having a fixed ATM address associated with the CPE port wherein the AAL cells include either or both of a virtual private interface and virtual connection interface (VPI/VCI) address generated from the IP address of the IP packets (The ATM card at the computer interface or CPE interface segments the packets into ingress AAL-5 with both a VP or VPI and VC or VCI per col. 4 line 52-col. 6 line 22 The ATM card or CPE port has an assigned VPI/VCI assigned by the service provider which the examiner has interpreted as a fixed ATM access per col. 5 line 33-36) ).

Segmenting the egress IP packets at a network interface into egress AAL cells (The inherent edge router at the ISP has an inherent network interface that segments the IP packets into ATM cells.) providing the egress AAL cells in the access network into a single combined traffic (The egress AAL cells are provided to customer's ATM card of CPE per Fig 1 and per col. 6 lines 23-53. The exchange/ISP interface in the gateway aggregates the ingress traffic streams which are ATM at layer 2 into a combined traffic stream)

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Aggregating the ingress AAL cells in the access network (Figure 2 shows the details of Exchange which aggregates the AAL cells in the access network per Fig 2 and per col. 5 line 37 to col. 6 line 20)

Keller Tuberg does not expressly call for: aggregating into a single combine traffic stream

O'Dell teaches: aggregating into a single combine traffic stream (The DSLAM aggregates input from 605 or first ingress stream with input from 611 or second ingress stream with input from 613 or third ingress traffic stream into a combine stream which is output to 615 per col. 2 lines 16-45)

It would have been obvious to one of ordinary skill in the art at the time of the invention to add the aggregating into a single combine traffic stream of O'Dell to the processing of Keller-Tuberg in order to implement DSL processing at the ingress part of the network which simplifies the processing required for access.

Regarding claim 21, ingress segmented into AAL-5 per col. 5 lines 37 and egress segmented into AAL-5 per col. 6 line 43.

Regarding claim 22, IP packets are inherently reassembled by ISP edge router per Figure 1.

Regarding claim 23, IP packets formed or delineated by ISP edge router per Fig 1.

Regarding claim 24, the source address is verified or validated per col. 6 lines 9-21.

Regarding claim 25, IP packet is discarded if the source address verified is invalid per col. 6 lines 9-21.

### ***Allowable Subject Matter***

3. Claims 1, 3-7, 9-15, 26, 28-33, 35-38, & 40 are allowed. The following is an Examiner's statement of reasons for allowance: Claims 1, 3-6, 9-15, 26, 28-33, 35-38, & 40 are considered allowable since no prior art reference or combination of prior art references disclose or suggest the combination of limitations specified in the independent claims including:

"segmenting at each CPE port the IP packets in the ingress traffic streams into asynchronous transport mode (ATM) adaption layer (AAL) cells having a fixed ATM address associated with the CPE port, wherein the AAL cells include either or both of the virtual private interface and virtual connection interface (VPI/VCI) ATM address generated from the IP addresses of the IP packets" in combination with other claim limitations as specified in claims 1 & 26.

***Response to Amendment***

4. Applicant's arguments with respect to claims 1, 3-7, 9-15, 20-26, 28-33, 35-38, & 40

have been considered but are moot in view of the new ground(s) of rejection.

5. In addition to the new grounds of rejection the examiner has also provided the following explanation in response to the applicant's arguments:

The examiner respectfully disagrees with the applicant's argument that prior art reference Keller-Tuberg did not teach: having a fixed ATM address associated with the CPE port

Keller-Tuberg teaches: having a fixed ATM address associated with the CPE port (The ATM card or CPE port has an assigned VPI/VCI assigned by the service provider which the examiner has interpreted as a fixed ATM address associated with the CPE port per col. 5 line 33-36).

***Conclusion***

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to ROBERT WILSON whose telephone number is (571)272-3075.

The examiner can normally be reached on M-F (8:00-4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dang Ton can be reached on 571/272-3171. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Robert W Wilson/  
Primary Examiner, Art Unit 2475

RWW  
1/31/12